

REMARKS

Claims 11-14 and 16-21 are pending; claims 11, 17 and 18 are independent.

Reconsideration of the application is respectfully requested, in light of the following remarks.

Initially, Applicants gratefully acknowledge the courtesy of Examiner Singh in conducting a telephone interview on September 3, 2008 with Applicant's representatives. A summary of that interview has been made of record, and is acknowledged by the Applicant. During the interview, the claims were discussed with respect to their corresponding rejections. Specifically, independent claim 11 was discussed vis-à-vis U.S. Patent Application Publication No. 2004/0096804 to Vogt et al., (hereinafter "Vogt") and U.S. Patent Application Publication No. 2004/0101808 to Porter et al., (hereinafter "Porter"), regarding the distinctions between the present application and the prior art as well as proposed amendments to the claims for distinguishing the prior art. The Examiner has agreed that claim 11 is distinguished over Vogt but raised a new rejection of claim 11 based on Porter. The substance of the interview is incorporated in the following remarks.

The Examiner has rejected claims 11, 13, 14 and 16-21 under 35 U.S.C. §103(a) as allegedly unpatentable over Vogt in view of Porter. Applicants respectfully traverse the rejection for at least the reasons set forth below.

Applicants' independent claim 11, recites a combination of a transfer part for holding a dental implant and a dental implant. The transfer part includes a clamping portion for the clamping connection to the dental implant. The clamping portion includes a radial groove, a clamp ring insertable into the radial groove to engage with the dental implant, and a force transmission element for securing the clamping connection against rotation. The dental implant includes an undercut dimensioned suitably for clampingly receiving the clamp ring.

Vogt discloses a combination of a dental implant, an adapter and a transfer cap, with the adapter assembled with both the dental implant and the transfer cap. Specifically, as illustrated in Figs. 3A-3C thereof, the adapter 3 comprises a driving section 30 for fitting into the dental implant, a holding section 31 for engaging with the transfer tap, and a plug-type extension 33 for fitting into a coupling piece used in connection with a screwing-in instrument. Specifically, the extension 33 comprises an annular groove 331 for receiving a retaining ring 332 and a non-rotationally symmetrical outer contour 330 for form-fit attachment of the coupling piece (see, Paragraph [0088], Lines 18-23 of Vogt).

Thus, the extension 33 does not couple or connect with the dental implant, and, accordingly, the retaining ring 332 thereof does not engage with the dental implant. Further, as clearly illustrated in Figures 5A and 5B, the dental implant described by Vogt does not include “an undercut dimensioned suitably for clampingly receiving the clamp ring” recited by claim 11 of the present application, especially in view of the fact that the so-called clamping ring 332 of Vogt does not even engage with the dental implant.

In the telephone interview conducted on September 3, 2008, the Applicants’ representatives have clarified the above distinctions with the Examiner. The Examiner has acknowledged the distinctions. However, the Examiner now contends that Porter teaches the limitations of the clamping section that is clearly deficient from Vogt. Specifically, the Examiner alleges that Porter’s toroidal spring acts as a clamping ring that retains the clamping portion to the implant.

Applicants respectfully disagree in this regard, for at least the following reasons.

As pointed out by the Examiner, Porter discloses, at Figure 6D thereof, a toroidal spring (116) disposed within the space defined by a recess (110) in the dental implant (10') and a recess (112) in the abutment (90').

However, as described in Paragraph [0060] of Porter, the toroidal spring (116) only serves as a feedback element indicating proper positioning of the abutment (90') into the dental implant (10') but does not provide a clamping structure for positively securing the abutment to the dental implant. Specifically, Porter requires that the corresponding coupling structures (54, 56) for the spring (116) have a certain extent of resilience to allow the spring (116) to get into the above-mentioned space. Thus, such a spring (116) cannot be considered a "clamping ring" within the meaning given in the present application. The combination of structures (54, 56) and the spring (116) only provides for some kind of "click" when the spring is engaged in the access.

The Examiner's interpretation of the spring (116) as a clamping ring is apparently based on the following disclosure: "[t]he toroidal spring 116 acts against the resilient member 54 to apply a retention force to the straight abutment 90'" (see, last sentence of Paragraph [0062] of Porter).

However, as disclosed in Porter, the coupling of the abutment and the dental implant is implemented basically through the engagement of a plurality of threads (36) and an abutment screw (70) (see, Fig.2 and Paragraph [0043]). Thus, it is the combination of the threads (36) and screw (70), which actually clamps the abutment to the dental implant. Furthermore, the resilient characteristics of the coupling structures (54, 56) undermine the purpose of the spring clamping the abutment to the dental implant, since the structures need to be sufficiently resilient to engage the spring and the dent-shaped recesses (110, 112) does not provide a positive means for preventing relative movements between the spring and the coupling structures.

Furthermore, the Examiner fails to recognize that the toroidal spring (116) is disposed between the recess (110) in the dental implant (10') and the recess (112) in the abutment (90'), for providing a feedback mechanism indicating the proper positioning of the abutment into the dental implant (10'). In other words, the spring interacts with the resilient member (54) of the abutment, which is fundamentally different from a transfer part for holding a dental implant, as described in the present application.

As described in the background part of Porter, "single tooth restorations present the unique requirement that they must be supported non-rotationally on the underlying abutment" and "when the underlying abutment is a post fitted onto an implant, this requirement is met by preparing the post with a noncircular cross section" (see, Paragraph [0003] of Porter, as well as Paragraph [0036] describing the relationship between the abutment and the dental implant). It is apparent from this description, that the abutment is not adapted to hold the dental implant, but rather forms an integral part of the entire tooth restoration mechanism for replacing a nonfunctional tooth.

Thus, even assuming, *arguendo*, the toroidal ring (116) serves to clamp the abutment onto the dental implant, it does not ensure a positive coupling between a dental implant and a transfer part for holding the dental implant, as recited by claim 11.

Independent claims 17 and 18 recite the above distinguishing features.

Therefore, neither Vogt nor Porter teach or fairly suggest the combination of features recited by claims 11, 17 and 18, from which the other claims ultimately depend. Accordingly, the rejection of claims 11, 13, 14 and 16-21 under 35 U.S.C. §103(a) based on Vogt and Porter is overcome, and withdrawal thereof is respectfully requested.

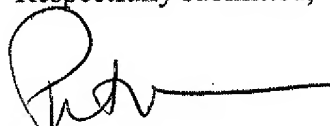
The Examiner has rejected claim 12 under 35 U.S.C. §103(a) as allegedly unpatentable over Vogt and Porter, in view of U.S. Patent No. 5,078,605 to Sutter et al., (hereinafter "Sutter"). The rejection is respectfully traversed for at least the reasons set forth below.

Claim 11, from which claim 12 depends, is discussed above.

Vogt and Porter are discussed above relative to claim 11. Sutter is applied to allegedly teach the materials, such as PEEK, for making a clamping ring. Sutter does not remedy the underlying deficiencies of Vogt and Porter with regard to claim 11. Thus, either taken alone or in combination, none of Vogt, Porter and Sutter teach or suggest the combination of features recited in claim 12. Accordingly, the rejection of claim 12 under 35 U.S.C. § 103(a) based on the combination of Vogt and Sutter is overcome, and withdrawal thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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